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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT ANCHORAGE

ENOCH ADAMS, JR., LEROY ADAMS,
ANDREW KOENIG, JERRY NORTON
DAVID SWAN and JOSEPH SWAN,

Plaintiffs,

v.

TECK COMINCO ALASKA INCORPORATED

Defendant.

NANA REGIONAL CORPORATION and
NORTHWEST ARCTIC BOROUGH,

Intervenors-Defendants.

Case No. A04-49 (JWS)

**PLAINTIFFS' UNOPPOSED
MOTION TO RESET
TRIAL BRIEF DEADLINE**

Plaintiffs Enoch Adams, et al., respectfully file this unopposed motion to reset the trial brief deadline in this case. On September 21, 2007, this Court entered a pre-trial Order setting February 26, 2008 as the date for filing of all parties' trial briefs. Docket 177. "Such brief will contain a short, plain, and candid statement of the party's position and authorities as to each contested issue of law. It will disclose and brief those theories of the case which a party will urge

1 at trial.” Docket 177 at 4.

2 Subsequently, on January 25, 2008, the Court granted Adams’s request to file a motion
3 for summary judgment on four legal questions. Docket 206. As instructed by the Court, that
4 motion was timely filed on February 8, 2008. Docket 241. The Response was filed on February
5 19, 2008. Docket 257. The Reply is due today, February 21, 2008. Docket 206. That motion
6 concerns arguments on four contested issues of law which directly relate to Adams’s (and
7 presumably defendants’) positions at trial. Although the briefing will be concluded by February
8 21, all parties’ trial briefs – which are supposed to address “contested issues of law” – are due
9 just five days later. Even were the Court to rule on the summary judgment motion within those
10 five days (not an expectation Adams holds), it would be difficult to reflect the resolution of the
11 four contested issues in a cogent and trenchant trial brief filed on February 26.

12 To resolve this situation, and to obviate the need for all parties to include the same issues
13 in their trial briefs that are included in their summary judgment filing in the event the Court does
14 not resolve the motion by February 26, Adams respectfully requests that the Court reset the trial
15 brief deadline so that the due date for the trial briefs is 14 days after the entry of the order on
16 summary judgment motion at Docket 241. This will allow the parties to brief only those legal
17 issues remaining after summary judgment, a time saving for both the litigants and the Court.
18 Adams reflects this request in the attached Proposed Order. Adams is authorized to represent
19 that this motion is unopposed.

20 Respectfully submitted this 21st day of February, 2008.

21
22 /S/ Luke Cole

23 Luke Cole
24 Attorney for Plaintiffs

25 CERTIFICATE OF SERVICE

26 I hereby certify that on the 21st day of February 2008, a true and correct copy of the foregoing Unopposed Motion to Reset Trial
27 Brief Deadline and Proposed Order was served, via electronic mail, on the below identified parties of record:

28 Sean Halloran
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10 _____
11 /s/ Luke Cole

12 Luke Cole
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